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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 RICHARD A. KIRKHAM, ) CASE NO. C05-1274-RSM-MAT  
09 Plaintiff, )  
10 v. )  
11 J.I. BELFORD, Detective, ) ORDER GRANTING DEFENDANT'S  
King County Sherriff's Office, ) MOTION TO LIFT THE STAY AND  
12 ) DIRECTING DEFENDANT TO FILE  
Defendant. ) AN ANSWER  
13 \_\_\_\_\_ )

14 This is a civil rights action filed under 42 U.S.C. § 1983. On October 14, 2005, this  
15 Court ordered that the instant action be stayed pursuant to *Younger v. Harris*, 401 U.S. 37  
16 (1971), and *Gilbertson v. Albright*, 381 F.3d 965 (9th Cir. 2004), pending notification from the  
17 parties that plaintiff's criminal proceedings had been fully resolved in the state courts. On  
18 June 19, 2008, this Court issued an Order continuing the stay as plaintiff's direct appeal  
19 remained pending at that time. Defendants now seek an order lifting the stay because  
20 plaintiff's state criminal proceedings have concluded. Plaintiff has not filed any response to  
21 defendant's motion to lift the stay.

22 The Court, having reviewed defendant's motion, and the balance of the record, does

ORDER GRANTING DEFENDANT'S MOTION TO LIFT THE  
STAY AND DIRECTING DEFENDANT TO FILE AN ANSWER

01 hereby ORDER as follows:

02 (1) Defendant's motion to lift the stay (Dkt. 21) is GRANTED;

03 (2) Defendant is directed to file and serve an answer to plaintiff's complaint within  
04 thirty (30) days of the date on which this Order is signed; and

05 (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
06 defendant, and to the Honorable Ricardo S. Martinez.

07 DATED this 15th day of June, 2009.

08 s/ Mary Alice Theiler  
09 United States Magistrate Judge  
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